

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed November 2, 2006.

Currently, claims 21-39 are pending.

### I. Objection to Claim 29 for Typographical Error

Claim 29 was objected to due to the misspelling of "JavaScript." Claim 29 has been revised to correct the typographical error in the word "JavaScript."

### II. Rejection of Claims 21-23, 25-28, 30-37, and 39 Under 35 U.S.C. 102(e)

Claims 21-23, 25-28, 30-37, and 39 have been rejected under 35 U.S.C. 102(e) as being anticipated by the Omoigui reference. Applicant respectfully traverses these rejections on the basis that Omoigui does not disclose all of the limitations of the claims, namely the "comparing said event data to an alert parameter at said customer premise equipment," and therefore the reference does not anticipate these claims.

The Examiner argues that in paragraph [0044] Omoigui teaches a computer 130 which is local to the client and that this computer 130 implements the encoder/server 14. Referring to Omoigui, paragraph [0044] states the following:

FIG. 3 shows a general example of a computer 130 that can be used in accordance with the invention. The computer, or aspects thereof, can be used to implement the encoder/server 14, the client viewing devices 12, or aspects thereof.

In this case, paragraph [0044] only discloses an example of a computer architecture that can be used to implement the encoder/server 14. No where in paragraph [0044], or in this reference for that matter, does it expressly state or imply that the encoder/server 14 is local to the client, as is argued by the Examiner.

To the contrary, Omoigui's Fig. 1 clearly shows the encoder/server 14 and the client viewing devices with a **network between the two components**. Omoigui also describes many implementations for the network, one of these being the Internet; yet none of these implementations described suggest that the network is local to the client [see paragraphs 0028 – 0031]. Instead, paragraph [0048] in fact states that the “computer 130 commonly operates in a networked environment using logical connections to one or more remote computers.” This suggests that the computer 130 containing the encoder/server 14 is not local to the client, the client being at one of the remote computers connected to the computer 130 via the network described in paragraphs [0028-0031]. Because Omoigui performs its comparison at the computer 130, it is remote from the customer premise equipment. Omoigui does not disclose the “comparing said event data to an alert parameter at said customer premise equipment” and therefore the comparing is **not** done at the client end as the Examiner suggests.

### III. Rejection of Claims 24, 29, and 38 Under 35 U.S.C. 103(a)

Claims 24 and 38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui in view of Blackketter. Claim 29 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui in view of Kim. Because the cited prior art, alone or in combination, does not teach all of the limitations of the rejected claims, Applicant asserts that the claims are in condition for allowance.

Regarding Claims 24 and 38, neither Omoigui nor Blackketter discloses the “comparing said event data to an alert parameter at said customer premise equipment.” Instead, Blackketter is about scheduling the recording of television shows. Therefore, the combination of the Omoigui and Blackketter references do not disclose all of the limitations of Claim 24 nor 38.

Regarding Claim 29, neither Omoigui nor Kim discloses the “comparing said event data to an alert parameter at said customer premise equipment.” Instead, Kim is about a graphic interface device for use with digital television in order to view a program guide. Therefore, the combination of the Omoigui and Kim references do not disclose all the limitations of claim 29.

Because none of these cited references, alone or in combination, disclose all of the limitations of claims 21-39, Applicant asserts that claims 21-39 are in condition for allowance.

Based on the above amendments and these remarks, reconsideration of claims 21-39 is respectfully requested.

Applicant respectfully requests that an interview be scheduled at the Examiner's earliest convenience.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned practitioner by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: January 8, 2007

By: /Michelle Esteban/  
Michelle Esteban  
Reg. No. 59,880

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, California 94105-4206  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665